

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

SOUTHERN NAZARENE	)	
UNIVERSITY, a not-for-profit,	)	
corporation,	)	
	)	Case No.: 5:25-CV-00802-D
Plaintiff,	)	
	)	
v.	)	Hon. C.J. DeGiusti
	)	
HES FACILITIES MANAGEMENT,	)	
LLC., a limited liability company,	)	
	)	
Defendant.	)	

---

**PLAINTIFF’S NOTICE OF  
AMENDED COMPLAINT AS A MATTER OF COURSE**

Plaintiff Southern Nazarene University, pursuant to Fed. R. Civ. P. 15(a)(1)(B), hereby gives notice that it has filed its *First Amended Complaint* [Dkt. No. 10] as a matter of course within 21 days after service of Defendant’s Rule 12(b) motion [Dkt. No. 6]. Because this amendment is made within the time permitted by Rule 15(a)(1)(B) and before any responsive pleading has been served by the Defendant, no leave of Court is required. *Lenoard v. Comm. Technologies, Inc.*, case no.: CIV-05-1327-C, 2006 WL 126491, at \*1 (W. Dist. Okla. 2006); *Kauble v. Bd. of Cty. Comm’rs of Cty. of Okla.*, No. CIV-17-729-D, 2018 BL 51766, 2018 WL 912285, at \*1, n.1 (W. Dist. Okla. 2018)(C.J. DeGisuti presiding); *Brever v. Rockwell Int’l Corp.*, 40 F.3d 1119, 1131 (10th Cir. 1994). *Cooper v. Shumway*, 780 F.2d 27, 29 (10th Cir. 1985).

It is equally well-settled that “[a]n amended complaint supersedes the original complaint and renders it of no legal effect.” *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517

(10th Cir. 1991) (internal quotation omitted); *May v. Segovia*, 929 F.3d 1223, 1228 (10th Cir. 2019); *Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180–81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007); *See also, Carmichael v. Allbaugh*, No. CIV-20-109-D, 2020 U.S. Dist. LEXIS 96549, at \*1 (W.D. Okla. June 2, 2020) (C.J. DeGiusti presiding).

Accordingly, Plaintiff respectfully requests that the Clerk update the docket to reflect the filing of the *First Amended Complaint* and that the Court enter an Order declaring Defendant's pending motion to dismiss moot without prejudice to resubmission, as appropriate, considering the superseding pleading. In the alternative, should the Court elect to consider the pending motion notwithstanding the amendment, Plaintiff, without conceding the propriety of that approach, gives notice that it is contemporaneously submitting a response brief for the Court's consideration.

DATED: this 31<sup>th</sup> day of August 2025.

Respectfully submitted,

s/ Travis Vernier

TRAVIS VERNIER, OBA No.: 35253

BENNETT VERNIER, PLLC

6116 Northwest 63<sup>rd</sup> Street

Warr Acres, Oklahoma 73132

Telephone: (405) 346-9800

Email: info@bennettvernier.com

ATTORNEYS FOR PLAINTIFF SNU

**CERTIFICATE OF SERVICE**

I hereby certify that on the 31th day of August 2025, I electronically transmitted the foregoing to the Court Clerk using the ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel of record who are registered participants.

s/ Travis Vernier

TRAVIS VERNIER